



HOUSE.....

.....No. 15.

DOCUMENTS

RELATING TO

THE STATE PRISON.

1850.

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Commonwealth of Massachusetts.

To His Excellency the Governor and the Honorable Council.

The board of inspectors of the State prison in Charlestown, appointed under the provisions of the thirty-seventh chapter of the acts of 1850, though their duties are not defined in the said act, nor by reference therein to pre-existing laws, have considered that the Legislature must have intended that they should assume the duties which by law were assigned to the inspectors of the prison, appointed under the provisions of the 144th chapter of the Revised Statutes, and have governed themselves accordingly.

As required by the eleventh section of that chapter, they respectfully submit this Report.

They cannot, as the result of their own observations, make a detailed statement of the concerns of the prison for the year now past, as it is less than five months since the date of their appointment.

The prison has been visited every week by one of their number, and monthly meetings of the board have been held at the prison, as required by law.

The duties of their office being new to each member of the board, they have deemed it prudent to avoid hasty innovations on the system which they found established, and before they proposed changes, to ascertain by experience and observation the operation of the code of "rules and regulations," which by authority of law, their predecessors, with the approval of the Governor and Council, had established, "for the direction of the officers of the prison in the discharge of their duty, the government, employment and discipline of the convicts, and for the custody and protection of the public property." The board have not therefore proposed to the executive any alterations in the "rules and regulations" which they found in force when they were appointed.

Upon their first official visit to the prison, the members of the board were much surprised by an inquiry from the warden, whether he could with propriety allow friends of the convicts or other persons from without the prison, to visit and converse with them. He had found such a usage in existence when he entered on the duties of his office, and sought the advice of the board on the subject.

The Legislature had enacted, (Rev. Stat. chap. 144, § 33) that "no communication shall be allowed between them, (the convicts) and persons without the prison." And the regulations established by the inspectors, with the approval of the governor and council, had provided, (Inspector's Regulations, Art. VII, § 10,) that "no convict shall be permitted to write, or send to, or receive from, any person, any letter or thing whatever, nor shall there be any intercourse between the convicts and persons from without the prison by conversation or signals."

The warden was instructed, that, under the existing law, and the regulations in force, neither he nor the inspectors could exercise any discretion in the premises; that it was their duty to enforce the law regulating the discipline of the prison, in this, as well as in all other respects, and that his failure so to do would be regarded as an omission of duty, which it would be incumbent on the board, in obedience to the statute, to report to the governor and council.

The provisions of the law and the regulations of the inspectors in this behalf, have since been rigidly enforced. Some of the convicts at first were much dissatisfied that they should be deprived of an indulgence to which they had been accustomed. The board deemed it proper, through the chairman, to explain to the convicts assembled in the chapel, the reasons for discontinuing the usage. It is believed they fully appreciated the justice of the views taken by the board; and they were made to understand, that it ill became officers of the government, under oath to discharge their duties according to law, by their own disregard of the law, to exhibit an example which convicts confined in prison might plead in extenuation of their violations of law. The importance which has been attached to this prohibition by the Legislature is apparent from the fact that they have enacted (Rev. Stat. chap. 144, § 40,) that "if any officer or person employed in the State prison, shall suffer any

convict confined in said prison, to be visited, conversed with, or in any way relieved or comforted, contrary to the regulations of the prison, he shall be punished by fine not exceeding five hundred dollars."

The experience of more than four months has demonstrated the fallacy of the position which has sometimes been put forth, that it is impossible to carry out this regulation, and the discipline of the prison has been in no way unfavorably affected by enforcing the law. This enforcement has at times been attended with no small trial to the feelings of the warden, in cases where a wife, a mother, or a sister, sometimes coming from a great distance, has visited the prison, to seek an interview with a husband, a son, or a brother. But though a denial of the indulgence may have aggravated the anguish of a heart already crushed, an explanation of the law on the subject has satisfied the parties that the warden was only doing that which his duty required.

By the third section of chapter 289 of the acts of 1850, it was enacted as follows: "The warden and inspectors of the State prison are hereby authorized to adopt such regulations, in relation to the intercourse of the convicts with their friends from without the prison, also, in relation to the introduction of newspapers into the prison, and in relation to visitors, as they may think necessary or expedient, not inconsistent with the law relating to the government of the prison."

The board have been at a loss to understand what was the design of the Legislature in this enactment. It has been suggested that it was intended to enable the warden and inspectors to adopt more stringent regulations for the enforcement of the law *prohibiting all communication* between convicts and persons without the prison; but this could hardly be considered as "adopting *regulations in relation to the intercourse* of the convicts with their friends from without the prison;" nor is it easy to perceive how "intercourse can be regulated," when "*all communication is prohibited.*"

But a case occurred which appealed very strongly to the sympathies of the warden and inspectors. A sister of one of the convicts visited the prison, expecting to be allowed an interview with her brother. The privilege could not be granted to her; the reason was explained, and she acquiesced without complaint. She left a volume which she had brought with her, in-

tended as a present to the brother; it contained portions of the New Testament with notes. Not being permitted an interview, she wrote in pencil on the fly leaf of the book, a few lines of advice to her brother, couched in language of sympathy and affection, such as none but a Christian sister's heart could have prompted.

This book, with a statement of the circumstances, was laid before the board by the warden, for advice as to its disposal. The book might be placed in the convict's cell, under the third section of article VI, of the inspector's regulations. But by section ten of article VII, of the regulations, already cited, the letter was expressly prohibited.

By authority of the third section of chapter 289, of the laws of 1850, already quoted, the warden and inspectors adopted the following regulations:—

“The warden may, at such time and under such circumstances as he shall deem expedient, make known to the prisoners the whole or parts of any communications received by him, from their friends, from without the prison; and he may, in like manner, make known to such friends the whole, or such parts of communications made to him by prisoners, as he shall deem expedient; and in exercising the discretion thus entrusted to him, he shall have regard to the character and conduct of the prisoners, extending the indulgence thus allowed only to those, who, by their correct deportment and obedience to the rules and regulations of the prison, shall show themselves entitled to favor.”

As the authority seems to be given unqualifiedly to the warden and inspectors, to adopt regulations on the subject matters named in the section quoted, (although by the preëxisting laws the inspectors were empowered to establish rules and regulations to be approved by the governor and council,) it was not supposed necessary to submit the regulations thus adopted, to the executive for their approval, but if this construction of the law was erroneous, the approval of the governor and council is now respectfully asked.

The warden and inspectors have adopted no other regulation by virtue of the authority thus given to them.

But learning that it had been common to allow females to attend as spectators at the chapel service on the sabbath, the

board have advised the warden no longer to allow the same, and the practice has been discontinued.

Learning also that discharged convicts had been allowed access to the prison as visitors, the board recommended that no discharged convict should again be allowed to come within the prison walls, unless under a warrant from court; and visitors of this description are now excluded.

The board are well satisfied, from facts which have been brought to their knowledge, that the law prohibiting intercourse between the convicts and persons from without the prison, is, in its general operation, beneficial. And they have reason to believe that the indulgence which has heretofore been allowed, has been attended with evil consequences. The opportunities thus afforded for intercourse, have been abused, for the purpose of furnishing the convicts with money, liquor, and other articles forbidden by law.

But the board would respectfully suggest for the consideration of the Executive, whether it may not be expedient to recommend to the Legislature some modification of the existing law. As the board construe the provisions of the Revised Statutes, chapter 144, section thirty-three, all communication between the convicts and persons without the prison, is now absolutely and under all circumstances prohibited. The board are not aware that any discretion is at present intrusted to any officers of the prison or to any officer of the government, to dispense with this prohibition under any circumstances, whatever exigency may arise.

Cases may occur in which no probable evil would result, and much possible good might ensue from a relaxation of the strictness of the existing law. Highly beneficial influences might be exerted upon a convict by the counsels of a father or a mother, a wife or a sister; or perhaps the voice of a pastor, from whose lips the convict, in his earlier and better days, had heard the messages of Christian truth, might revive convictions which had been long smothered, and arouse conscience from its long slumber. Cases have occurred during the time that the board have been connected with the prison, in which, had the law permitted, the warden and inspectors would have felt it a duty to allow prisoners to receive visits from their friends,—cases in which they would have felt that no evil influence would

have been exerted, but on the contrary wholesome advice would have been imparted.

Aside from the consideration already suggested, the board are of opinion, that if a discretionary power existed to allow prisoners occasionally to see their friends, as a reward for meritorious conduct, the wise exercise of such a power might exert a good moral influence, and be made essentially subservient to the promotion of good discipline in the prison.

With these views the board deem it desirable that the warden should be authorized in special cases, and under proper restrictions, to allow convicts, to a limited extent, to have intercourse with persons from without the prison.

If the warden should be authorized to exercise such discretion, with the approval in each particular case of one or of two of the inspectors, or of the whole board, if it should be deemed expedient thus to guard the exercise of such a power, we are of opinion that it would be a wise modification of the existing stringent provisions of the law.

The number of convicts during the past year has so greatly increased, that, with the limited accommodations in the work shops, it was found impracticable to employ the convicts to advantage; and the crowded state of some of the shops also rendered it extremely difficult to maintain proper discipline. Upon the representations made by the warden, the correctness of which was confirmed by their own observation, the board considered that the exigency of the case not only justified but required their giving a liberal construction to the provisions of the 10th section of the 144th chapter of the Revised Statutes; and accordingly they approved a contract made by the warden, with their previous sanction, for raising the roof and adding a second story to the brick building used as a cabinet maker's shop. The work was completed and the enlarged premises occupied on the fifth day of the present month. The cost of this enlargement was two thousand and sixty-three 19-100 dollars.

The manifest advantages which have resulted from this enlargement, in the increased facilities for carrying on work, in the opportunity furnished to appropriate one building solely to the varnishing business, (thus lessening the risk should a fire occur a third time in this department,) in enabling the overseers to exercise a more complete supervision of the convicts, and

more effectually to enforce discipline, have amply compensated for the expense incurred.

With these enlarged accommodations, there is now hardly room for the increased number of convicts; and with the numbers still increasing, the board respectfully but earnestly invoke the attention of the Executive, to the necessity of anticipating the difficulties which will ensue if seasonable arrangements are not made to provide the necessary accommodations for keeping all the convicts diligently employed at hard labor. The board would also respectfully urge upon the consideration of the Executive, the importance of early measures being taken, to secure for the use of the prison certain lands lying between the present limits of the prison and Austin street; their views on which subject, the same having been heretofore referred to them by the Executive, they have had the honor to submit in a special report.

The present crowded state of the prison and the inadequate accommodations, have rendered it impossible to comply with the provision of the thirty-third section of the 144th chapter of the Revised Statutes, which enacts that "they (the convicts) shall be confined in separate cells in the night time." The present number of convicts is 440, and the number of cells in the present solitary prison is only 304, so that there are of necessity 136 convicts in the old prison, confined together from two to five in a cell. It can hardly be hoped that the new prison, now in progress, will be in a state safe for occupancy much if any before the next spring.

The discipline of the prison has manifestly improved since the present board entered upon the duties of their office. The announcement to the convicts of the passage of the law authorizing the infliction of corporal punishment, accompanied by the assurance given to the convicts that the authority thus given would certainly be exercised if *necessary* to maintain the discipline of the prison, had a decidedly beneficial influence upon the prisoners. The number confined in solitary, for breach of prison rules and disorderly conduct, sensibly diminished, and there have been only two individuals, upon whom corporal punishment has as yet been inflicted.

The warden, seconded by the efficient coöperation of the deputy warden, has been diligently engaged in ferreting out abuses,

and they have succeeded in discovering and cutting off several channels by which spirituous liquors and other prohibited articles were introduced into the prison. The board have confidence in their integrity, their fidelity to their responsible trusts, and their devotion to the interests of the institution; and they believe that under their administration, as far as their vigilance and fidelity can accomplish it, the laws of the Commonwealth and the rules and regulations legally established for the government of the prison are observed and enforced.

For more full detail in regard to the finances and statistics of the prison, the inspectors ask leave to refer to the reports of the warden and other officers of the prison.

WM. J. HUBBARD, RICHARD FROTHINGHAM, JR., GEO. H. KUHN,	}	<i>Inspectors.</i>
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September 30th, 1850.

To His Excellency GEORGE N. BRIGGS, Governor, and the Honorable Council of the Commonwealth of Massachusetts :

The Warden of the State prison respectfully presents the following statement of the general affairs of that institution :—

The whole number of convicts remaining in prison on the 1st of October, 1849, was	349
The number of convicts received into the prison, during the year ending September 30th, 1850, has been	221
	<hr/> 570

Discharged from prison during the year ending on the 30th of September, 1850, as follows :—

By expiration of sentence,	108
“ remission of sentence,	10
“ removal to the State Lunatic Hospital at Worcester by order of court,	3
“ escaped from prison,	3
“ death,	6
	<hr/> 130

The whole number in prison on the 30th of September, 1850,	440
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Ages of those in Prison.

From 16 to 20 years, 71	From 50 to 60 years, 22
From 20 to 25 years, 128	From 60 to 70 years, 6
From 25 to 30 years, 91	From 70 to 80 years, 1
From 30 to 40 years, 80	
From 40 to 50 years, 41	<hr/> 440

Crimes of those in Prison.

Murder,	5	Lewd and lascivious cohabitation,	2
Assault with intent to murder,	9	Sodomy,	1
Manslaughter,	10	Malicious burning,	1
Felonious assault,	6	Attempt to burn a dwelling-house,	1
Highway robbery,	2	Burning a dwelling-house,	1
Assault and highway robbery,	3	Burning a barn,	9
Felonious assault and robbery,	9	Arson,	12
Robbery,	5	Having in possession counterfeit bank bills with intent to pass the same,	6
Robbery and larceny,	1	Passing counterfeit bank bills,	7
Assault with intent to rob,	1	Uttering counterfeit coin,	1
Burglary,	39	Having in possession counterfeit coin,	1
Burglary in the second degree,	1	Passing a forged promissory note,	1
Stealing in a dwelling-house,	1	Poisoning with intent to kill,	1
House breaking and larceny,	19	Forgery,	4
House breaking,	4	Attempting to break and enter a bank with intent to steal,	2
Breaking and entering a dwelling-house,	3	Larceny from the person,	6
Shop-breaking and larceny,	46	Accessory to a larceny before the fact,	1
Shop-breaking,	40	Breaking and entering a public building and larceny,	1
Larceny,	129	Breaking and entering a vessel with intent to steal therein,	2
Common and notorious thief,	19	Breaking and entering a vessel and stealing therein,	3
Stealing,	1	Receiving stolen goods,	5
Incest,	1	Uttering a forged order for goods,	1
Rape,	1	Uttering and publishing a forged note of hand,	1
Assault with intent to commit a rape,	2		
Assault with intent to ravish,	1		
Adultery,	4		
Bigamy,	1		
Polygamy,	2		

Attempting to pick a pocket,	1	Escaping from this prison,	1
Sending threatening letters to extort money,	3		<hr/> 440

Terms for which those now in Prison are sentenced.

1 year,	27	7 years,	15
1 year and 3 months,	1	8 years,	15
1 year and 6 months,	15	8 years and 6 months,	1
1 year and 8 months,	1	9 years,	6
2 years,	99	10 years,	10
2 years and 6 months,	6	11 years,	2
3 years,	89	13 years,	1
3 years and 6 months,	4	15 years,	1
3 years and 9 months,	1	18 years,	3
4 years,	52	20 years,	1
4 years and 2 months,	1	30 years,	1
5 years,	36	35 years,	1
6 years,	29	Life,	21
6 years and 4 months,	1		<hr/> 440

States and Countries of which they are Natives.

Massachusetts,	161	England,	26
Maine,	24	Ireland,	75
New Hampshire,	29	Canada,	11
Vermont,	6	Nova Scotia,	6
Connecticut,	9	New Brunswick,	6
Rhode Island,	10	Pennsylvania,	3
New York,	37	Maryland,	4
Louisiana,	2	Ohio,	2
Georgia,	1	Virginia,	6

North Carolina, 4	France, 2
New Jersey, 6	New Holland, 1
Germany, 4	Saint Vincent, 1
Scotland, 4	<hr/> 440

Employment of those in Prison.

Stone cutters, 114	Employed in cookery, 20
Carpenters, 6	Bakers, 2
Tool grinders, 3	Washers, 3
Team hands, 10	Barbers, 4
Blacksmiths, 29	Sweepers and waiters in Soli- tary prison, 12
Whitesmiths, 2	Woodsawyers and lumpers, . . 10
Tin workers, 18	Hospital attendants, 2
Cabinet makers, 53	Hospital patients, 5
Carvers, 17	Invalids, 13
Upholsterers, 34	In solitary confinement, . . . 1
Varnishers, 12	In solitary by order of court, . 1
Brush-makers, 24	Yard and house waiters, and shop runners, 11
Shoe-makers, 16	<hr/>
Tailors and menders, 16	440
Coopers, 2	

*The 221 Convicts received into Prison during the past year
were convicted at the following places, viz :*

Boston, 100	Worcester, 9
Cambridge, 10	New Bedford, 5
Ipswich, 4	Taunton, 8
Newburyport, 1	Salem, 4
Concord, 4	Dedham, 27
Lowell, 17	Northampton, 5

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Springfield, 6	Plymouth, 8
Lenox, 12	—
Greenfield, 1	221

Ages of those received the past year.

From 16 to 20 years, . . . 49	From 40 to 50 years, . . . 23
From 20 to 25 years, . . . 73	From 50 to 60 years, . . . 5
From 25 to 30 years, . . . 34	From 60 to 70 years, . . . 4
From 30 to 40 years, . . . 33	221

Crimes of those received the past year.

Murder, 2	Having counterfeit bank bills, with intent to pass the same, . . . 2
Assault with intent to murder, . . . 3	Uttering a counterfeit bank bill, . . . 3
Manslaughter, 3	Arson, 3
Felonious assault, 4	Burning a barn, 6
Assault and robbery, 9	Attempting to set fire, 1
Highway robbery, 1	Adultery, 4
Robbery, 1	Polygamy, 1
Burglary, 15	Lewd and lascivious cohabita- tion, 1
House-breaking, 5	Felonious assault with intent to rape, 1
Shop-breaking, 24	Felonious assault with intent to ravish, 2
Shop-breaking and larceny, . . . 27	Bigamy, 1
House-breaking and larceny, . . . 6	Forgery, 1
Breaking and entering a vessel with intent to steal, 1	Uttering a forged order, 1
Larceny, 76	Sending threatening letters to extort money, 3
Common and notorious thief, . . . 4	—
Stealing from the person, 4	221
Attempt to pick a pocket, 1	
Receiving stolen goods, 5	

Sentences of those received the past year.

1 year, 26	5 years, 17
1 year and 3 months, 1	6 years, 19
1 year and 6 months, 10	7 years, 7
1 year and 8 months, 1	8 years, 6
2 years, 55	10 years, 5
2 years and 6 months, 2	11 years and 6 months, 1
3 years, 41	30 years, 1
3 years and 9 months, 1	Life, 5
4 years, 23	<hr/> 221

States and Countries of which those received the past year are Natives.

Massachusetts, 77	Virginia, 4
Maine, 16	North Carolina, 1
New Hampshire, 16	England, 14
Vermont, 3	Ireland, 46
Connecticut, 2	Canada, 5
Rhode Island, 3	Nova Scotia, 1
New York, 16	New Brunswick, 5
New Jersey, 3	France, 1
Pennsylvania, 2	Germany, 1
Maryland, 3	Saint Vincent, 1
Ohio, 1	<hr/> 221

Of the 221 received the past year, 26 are recommitments as follows :

17 are second comers.

4 are fourth comers.

5 are third comers.

The 26 recommitments the past year were for the following crimes :

Highway robbery,	1	Shop-breaking,	2
Felonious assault and highway robbery,	1	Larceny,	9
Burglary,	2	Common and notorious thief,	1
House-breaking,	1	Larceny from the person,	1
House-breaking and larceny therein,	1	Receiving stolen goods,	1
Shop-breaking and larceny therein, 3		Uttering counterfeit bank bills,	2
Breaking and entering a vessel with intent to steal,	1		26

Of the 440 Convicts now in Prison, 60 are recommitments, as follows :

41 are second comers.	1 is a fifth comer.
11 are third comers.	2 are sixth comers.
5 are fourth comers.	

The 60 recommitments are for the following crimes :

Highway robbery,	1	Receiving stolen goods,	1
Highway robbery and felonious assault,	1	Incest,	1
Burglary,	8	Assault with intent to commit a rape,	1
Breaking and entering a dwelling-house,	3	Polygamy,	1
Shop-breaking,	3	Arson,	1
Shop-breaking and larceny,	9	Counterfeiting and passing counterfeit bank bills,	1
Breaking into a vessel to steal,	1	Passing a forged promissory note,	1
Larceny,	17	Uttering counterfeit bank bills,	3
Common and notorious thief,	5		60
Stealing from the person,	2		

Crimes of those in Prison who are sentenced to imprisonment for life.

Murder, sentence death, commuted to imprisonment for life,	5	Assault and highway robbery,	1
Rape, sentence death, commuted to imprisonment for life,	1	Highway robbery,	1
Arson, sentence death, commuted to imprisonment for life,	1	Arson,	1
Burning a dwelling-house in the night time, sentence death, commuted to imprisonment for life,	1	Robbery,	2
		Malicious burning,	1
		Burglary,	7
			—
			21

Of the 21 Convicts in confinement during life, 4 have been received the past year, as follows :

Murder, sentence death, commuted to imprisonment for life,	1
Burglary,	3

One convict received in February last for murder, sentence death, commuted to imprisonment for life, died in June last,—4 months and 1 day after he was received into prison.

There are 35 negroes and 10 mulattoes now in prison, 22 of whom were received the past year, viz : 17 negroes and 5 mulattoes.

The largest number of convicts in prison at any one time during the past year, was 446. The smallest number was 348. The average number has been 411.

The average number for the first six months of the past year was 389. The average number for the last six months of the past year has been 433.

It is a painful duty to present, in the foregoing tables, such a rapid increase during the past year, in the number of convicts confined in this prison.

There are, at this time, 91 more than were in confinement here when the report was made up for the year closing on the 30th of September, 1849, in which it is stated, that “the solitary prison could not contain them, and for their accommodation the old prison had been appropriated, two or more convicts

being placed in each cell. The work-shops are crowded; the chapel has overflowed and filled the barber's shop, leaving hardly sufficient space within the walls for the comfortable accommodation of the inmates of the prison."

These difficulties exist in a greater degree now than at that period, and it has become necessary to place from two to five in each cell in the old prison, in order to secure room for the accommodation of the convicts at meals and for lodgings at night.

Under such unfavorable circumstances, it can hardly be supposed that good discipline, quiet and order can be fully maintained, or that the reformation or self-improvement which is looked for under a system of separate confinement at night and at meal times, can be realized or even hoped for. These embarrassments to the reformation of the criminal and the successful management of the prison, will doubtless be greater than they are now, as the number of convicts is increasing, and in all probability will rise as high as 475, before the close of the present year.

The present warden, on assuming the charge of the prison, found that the practice of admitting visitors to the Sunday school and to the chapel services on Sunday, had prevailed for a considerable time, and consequently some of the convicts were deprived of the benefits which are designed to be extended to them by these services. The largest portion of these visitors were females, of whom from twelve to twenty were present on some occasions. The presence of so many of the fairer and gentler portion of the human family not only occupied the seats, but much of the attention of the less amiable portion of the assembly, and diverted their attention from the lessons of wisdom which were being imparted to them by their teachers, and from the Christian admonition and counsels of those who ministered to them in spiritual things. The board of inspectors were consulted upon this subject, and in view of the crowded state of the prison, and the want of proper accommodations for its inmates, they recommended that the practice of admitting visitors of either sex on the Sabbath be immediately discontinued.

This decision was promptly complied with, and none have since been admitted.

Of those received the past year, upwards of twenty can

neither read nor write ; many others can only read in words of one or two syllables ; and these, together with others who have been previously received into prison, and who are equally deficient in literary attainments, will constitute about as large a class as can be accommodated in the Sunday school during the approaching winter. It would be impossible to find room in the chapel for all who would avail themselves of the privileges of the school as it has heretofore been organized, therefore the usual Sunday school must of necessity be discontinued, until larger chapel accommodations are provided.

A melancholy fact presented in the foregoing tables is, that of the 221 received into prison during the past year, 122 are under 25 years of age, and of this number 49 are not 20 years old. This statement may, perhaps, engage the attention of some who are interested in the work of education, and lead them to look to the subject of truancy and parental indifference or neglect for some of the causes of so much youthful depravity as, by our criminal statistics and police reports, is shown to exist in our community.

When the new board of inspectors made their first official visit to the prison, the warden stated to them, that the prisoners had for a long time been allowed to see and converse with such of their relatives, and sometimes with friends, as called to inquire about them, and that, not wishing to make any innovations upon the system which then existed, he had continued in the same course, and, by so doing, had had an opportunity of observing, somewhat minutely, the practical operation of this indulgence to the convicts.

On reference to the inspectors' rules and regulations for the government of the State prison, article 7, section 10, and to the 33d and 40th sections of the 144th chapter of the Revised Statutes, it is found that such intercourse is expressly prohibited, and that, by the last-named section, a violation of this law is made a penal offence.

The 11th section of the above chapter makes it the duty of the inspectors to "report to the governor and council forthwith, all violations of law and omissions of duty by the warden," and as I did not feel disposed to make myself liable, either to the penalty of the law, or to be reported to the executive council as provided in the above section, the inspectors were con-

sulted as to a continuance of this indulgence to the prisoners. Their decision upon this subject will doubtless be made known to his excellency in their report upon the affairs of the prison, and with it, some suggestions relative to the modification of the existing law relative to the intercourse of convicts with their friends.

There are, perhaps, times and circumstances under which such intercourse might be held, when it would prove beneficial in promoting the convict's reformation, or in softening his feelings, or in awakening in him a sense of the injury he had done himself and his friends, or the anguish in which his sinful course has involved those who were looking to him for some of life's brightest and purest joys, or for that consolation which moral purity and filial reverence can alone impart to the declining years of an affectionate and devoted parent. To allow convicts to hold conversation with their friends, would be a privilege liable to much abuse, unless great caution was used in the exercise of this indulgence. Abandoned females have not unfrequently obtained an interview with some of the prisoners, by representing themselves as the wives or sisters of some inmate of the prison with whom they desired to hold conversation, or some old associate in crime has secured the same end, by claiming to be a brother, or a more remote relative or friend of some prisoner; each have improved these opportunities to pass to the convict money and various articles prohibited by law, and by the rules and regulations of the prison, in which acts they have occasionally been detected. These opportunities serve also to awaken and keep alive in the heart of the convict, feelings and associations, adverse to any efforts which may be made by himself for self-improvement, or by others, to secure his reformation and return to the paths of honesty and sobriety.

There are, doubtless, many cases, where good might be done the prisoner, without impairing the discipline of the prison, or, at least, great comfort imparted to a widowed mother or an aged father, in their being allowed to speak a word, and perhaps the last word, of encouragement or counsel to an erring son. There have been some cases in which the feelings and sympathies of the warden have been very strongly appealed to, where, if a sense of duty had not been stronger than his inclination, he

might have yielded to the earnest entreaties made to him from the lips of some, whose eyes were flowing with tears of sympathy, and whose hearts were wrung with deep sorrow for a fallen son, husband, father or brother.

The number of convicts had become so great, in the early part of the summer, that it was found impossible to accommodate them with suitable shop room. All the work-shops as well as the stone-sheds were filled to overflowing, and there were many convicts who could not be profitably employed in any department of labor. This condition of the prison was made known to the inspectors. They immediately gave their attention to the subject, and found it so manifestly necessary to afford better conveniences for the useful employment of the convicts, that authority was given to raise the cabinet shop one story. This provided an additional shop, 130 feet long by 42 feet wide, at a cost of \$2,063 19: it was first occupied on the fifth day of the present month, and now contains about 60 convicts, busily engaged in various industrial pursuits. There are still many convicts who are not profitably employed, from the want of a suitable place for them to labor in. The stone-sheds are not large enough to accommodate the number of men employed in them. It is more difficult, if not impossible, to maintain order and good discipline, where the convicts are so much crowded together as they are in this department of labor; nor do they perform so large an amount of work as when they are more separate than it is possible to have them at the present time.

If the number of prisoners should continue to be as large as it is now, additional shop room will be necessary for them to labor in.

The northeast and southeast fronts of the exterior walls of the present solitary prison, as well as the chimnies to this building, have needed repairing for several years, and their condition is such as to require immediate attention.

This subject was submitted to the inspectors, who, after thoroughly examining the building, were unanimous in their decision that no time should be lost in putting it in thorough repair. This expenditure will be somewhat large, as well as an unusual one; and, as no appropriation has been made for it, the tax upon the ordinary funds of the prison to meet this out-

lay will be such, it is feared, as to render it necessary to ask the Legislature to refund the amount used from the prison treasury for this purpose.

The sum appropriated from the prison funds to the ordinary repairs of the prison buildings has been much larger the past summer than usual, though nothing has been done to them which was not deemed absolutely necessary for the preservation and “protection of the public property,” and for the better accommodation of the prisoners employed in the various departments of labor.

By the act of May 3d, 1850, chapter 289, section 1, “the warden, with the concurrence of one or more of the inspectors, is authorized to inflict corporal punishment upon the convicts, in cases only where other methods have failed to produce penitence, and they find such punishment necessary to maintain the discipline of the prison.” The same act requires, “that the warden, in his annual reports, shall state the whole number of stripes inflicted, the number of convicts upon whom they have been inflicted, and the circumstances attending each case.”

The chairman of the board of inspectors announced to the prisoners that the law prohibiting the use of corporal punishment had been repealed, and that the Legislature had enacted a law, authorizing the warden to inflict such punishment when it should seem necessary for the maintenance of good order and discipline in the prison, which authority would be exercised whenever an occasion should require it. The influence of this law upon the convicts, and upon the welfare of the prison, has proved beneficial, not only in strengthening the government of the prison in its means of subduing the more turbulent and refractory among its inmates, but in reducing the number of cases of solitary confinement for violations of the rules and regulations of the prison. The knowledge of the prisoners that the power to inflict this punishment is in the hands of the government of the prison, and that it has the authority of legislative sanction, is of itself sufficient to deter many from ever placing themselves within its reach.

No one who is not lost to the feelings of sympathy—to a consciousness of the weakness and failings of his fellow man, and to his liability to fall by temptations which he has not the firmness or the moral power to withstand—can ever feel it to be a

pleasant duty to impose upon a criminal physical suffering of any kind; and though the heart of him, whose duty it may be to administer corporal punishment under the present law, should become somewhat callous to the better promptings of humanity, still, while the law which authorizes its use is so carefully guarded, there can be but little room for its abuse.

Since the passage of the law here referred to, the number of convicts in this prison has been larger than was ever before known here. Besides this, the confusion attendant upon the enlargement of the cabinet shop, and the alteration of the other workshops within the prison walls, together with the interruptions to good order caused by the addition which is being made to the prison buildings under legislative enactment, have all, to no small degree, increased the difficulty of maintaining good discipline in the prison, and has caused among the prisoners, in many instances, a more frequent breach of the rules of the prison than would have been likely to occur under more favorable circumstances.

Notwithstanding the disadvantages arising from this state of affairs in and around the prison, it is highly gratifying to be able to state, that it has been found necessary in *three* instances only to obtain the concurrence of the inspectors for the infliction of corporal punishment. In one of these instances, the prisoner, after being made sensible of the position in which he had, by his misconduct, placed himself, gave such assurances to the warden of his determination to conduct himself for the future in an exemplary manner, and to conform willingly and cheerfully to the rules of the prison, as induced him to release the convict without the infliction of stripes.

The other two cases were as follows, viz.: No. 1. For insolence to his officer, refusing to obey orders, making a disturbance in his shop and cell, and for general misconduct in repeated instances—1 stripe.

No. 1 again. For repeated violations of the rules of the prison, disregarding the directions and admonitions of his officer, and also the counsels and admonitions of the warden and deputy warden, in repeated instances, and for insolence in manner and language—3 stripes.

No. 2. For an unprovoked attack upon a fellow prisoner, by striking and wounding him upon the head with a stone hammer, inflicting a blow which endangered his life—5 stripes.

However much the necessity for the infliction of stripes may be regretted, or however much it may be looked upon by some as a species of barbarism, yet a prison appears to be the last place for trying the experiment of governing some of its inmates, and among these some of the worst members of society, without this means of enforcing obedience. Let this experiment be first tested in the homes of childhood, where parental affection may win, or authority command, implicit obedience and submission to wholesome restraints, and let the power to influence and govern the youthful mind, thus obtained, be continued and strengthened in the government of the public schools in our land, and the young made to love goodness and virtue, and to reverence wholesome laws, both Divine and human;—then there might be some hope of success in an attempt to govern a prison by placing before the prisoner ennobling examples of moral power, and by appeals to the higher sentiments of the human heart.

In the amount placed at the disposal of the commissioners, to defray the expense of erecting the new prison buildings, it is found that there has not been any sum appropriated for the erection of a wall to enclose the addition which is now being made to the prison, under the direction of the commissioners. Unless the new wing, which Austin Street bounds, and which is designed for lodging-rooms for the convicts, is enclosed by a suitable wall, it will not only be accessible from said street, but so near to it as to present a strong temptation to those travelling this street to approach the windows for the purpose of inspecting the interior of the building, or to seek an opportunity for holding communication with some of those who may be confined within its walls.

Whatever may have been heretofore thought of the expediency of securing the lands bordering upon the prison premises, in order to exclude nuisances and annoyance from without the prison, there appears to be an imperative necessity for it now. The importance of this subject will naturally present itself to his excellency, as well as to the early attention of the legislative committee on prison affairs. The prison has been exposed to imminent danger from a serious conflagration which has just taken place immediately under its walls, exciting the serious apprehensions of the officers and others as to its safety, and cre-

ating fear and consternation among those of the prisoners to whom its ravages were most immediately visible.

By chapter 108 of the General Laws of 1849, it is required that such sums of money be paid over to the agent of the State for aiding discharged convicts, to be expended by him for their benefit, as have been previously authorized by section 53, chapter 144, of the Revised Statutes, to be paid to the convicts themselves, on their discharge from prison. By this act, the warden cannot, at his discretion, when necessity or convenience seems to require, pay the amount to the convict himself; but must, in all cases, send him to the agent, however inconvenient it may be for the convict to visit him. The warden is ignorant of the ground upon which this law was founded. To many of the convicts, and among them some of the best disposed and most exemplary, this law is very annoying. To some it is an unpleasant requirement, that they are made to call upon the agent; to others it is attended with inconvenience, and subjects them to delay in reaching their homes and their friends. Convicts, for a long time, have been allowed to anticipate a part of the sum which would be paid them on discharge from prison, in additional or better articles of clothing than are usually allowed them under the 53d section of the 144th chapter, which provides that they shall be furnished with *decent* clothing on their discharge from prison. Many of them would invest all the sum they are to receive on their discharge, in making their clothing a little more than decent, that, by so doing, they may avoid the necessity of calling upon the agent to spend their money for them. Most of those who need the assistance of the agent would as readily avail themselves of it without being compelled to go to him; and those who do not wish or need his assistance, and who have friends standing ready to take them by the hand and aid them in their honest endeavors to provide for their own wants, feel it a hardship to be required to present themselves to his notice. They resort to various expedients to avoid this exigency, and would, were it allowed, take all the sum to be appropriated to them, in any article of clothing, rather than call upon the agent to expend it for them.

If the arguments in favor of the law are such as to merit its continuance, might it not be made to answer its original design, and yet be so modified as to permit the government of the pris-

on to exercise some discretion with those who know their wants, and are capable of providing for them.

It appears necessary that a new work-shop should be erected, or one of the present shops enlarged, for the better accommodation of the convicts. Some, whose labor is comparatively unproductive, might be more profitably employed, if there were a suitable place in which they could be put at work. Every shop in the prison is now filled to overflowing, and still there is a want of room. Besides, if the number of prisoners should, at any time hereafter, be smaller than now, the additional room, if furnished, would then be serviceable as a drying room for clothing. Much inconvenience has for a long time been experienced from the want of a room for this purpose, especially in the winter season, when the extra clothing furnished the prisoners increases the amount of washing to be done for them, and the necessity for a suitable place in which their clothing may be dried.

A large portion of the wooden balustrade upon the top of the southeast wall of the prison has just been destroyed by fire, caused by the conflagration which took place immediately outside of this wall; and some parts of the balustrade upon other portions of the wall around the prison, will require repairing, and should be attended to in the spring or summer of next year. To carry out the above objects will be an extra expenditure, and render it necessary to ask pecuniary aid from the Legislature, to meet these outlays.

There has not been any serious interruption to the business affairs of the prison, during the past year. The labor of the convicts has been as productive as in former years, and the income from it has been sufficient to meet the *usual* expenses for the support of the institution.

The gross earnings of the convicts are generally smaller, and the expenses for their support larger, in the winter months than in the summer; consequently, the income of the prison, during the first six months of the past year, was not quite sufficient to meet its expenses.

By the statements of the receipts and expenses of the prison, found at the end of this report, it will be seen that the item for repairs of real estate is larger, for the past six months, than it has been for several years, and that the prison has been sub-

jected to extra expenditures, made necessary on account of the new prison buildings ;—these, together with the extra officers which have been required, and the cost of building the addition to the cabinet shop, authorized by the Board of Inspectors, amounting in all to upwards of \$3,000, have been paid from the prison treasury without crippling its means of meeting the usual claims which are made upon it for the support of the institution.

The amount of income over the expenses of the prison, for the past six months, after paying all outstanding debts, is shown to be \$2,946 55.

This prison has heretofore held a high rank in public estimation, for its good discipline, and for the humanity with which its inmates have been treated. The present government of the prison has endeavored to conduct its affairs in such a manner as to merit a continuance of public favor. Whilst wholesome restraint and discipline are firmly yet humanely enforced, the great object of confinement has not been forgotten in applying restraints or in exercising authority over those who, by the violation of law, have subjected themselves to its penalties.

In closing this report, I cannot but recognize the mercies of a kind Providence, in the general good health and quiet which has prevailed during the past year. While the number in confinement has been larger than ever before, and while the proportion of prisoners who have broken or shattered constitutions, and who are suffering from the incipient stages of disease, is much above the average, still, there has been but six deaths—only a fraction over one per cent.

The warden here expresses his obligations to the Board of Inspectors, for the support they have uniformly given him, in his efforts to improve the general condition of the prison and its inmates ; for the harmony which has marked his daily intercourse with the chaplain and physician of the prison, he feels himself under obligations to them ; and also to the deputy warden and clerk, for their cheerful coöperation and fidelity on all occasions. He would not fail to notice, in this connection, the prompt and faithful attention of the subordinate officers generally, in the performance of the arduous and responsible duties devolving upon them.

The accounts and vouchers for the past year have been ex-

amined and approved by the inspectors, and will be deposited in the office of the treasurer of the Commonwealth.

The following schedules present a semi-annual statement of the disbursements and income for the year closing on the 30th of September, 1850:—

Disbursements and Income, for six months, from October 1st, 1849, to March 31st, 1850.

DR.		CR.
To Cash paid—		By amount of income in—
For Provisions, . . . \$5,310 96		Stone Department, . . \$7,108 17
Hospital Department, . . 154 58		Labor Department, . . 9,244 03
Clothing “ . . 3,772 05		Visitors' Fees, . . . 518 25
Expense “ . . 3,178 70		Rents, 114 95
Officers' Salaries, . . 8,363 95		<u>\$16,985 40</u>
Prisoners on Discharge, . . 244 00		By deficit of income to
Transport'n of Prisoners, . . 207 50		meet expenses, for six
Repairs of Real Estate, . . 78 05		months, from October
Repairs of Cabinet Shop, . . 271 34		1, 1849, to March 31,
Night Watch in Prison		1850, 4,867 23
Yard, 271 50		
<u>\$21,852 63</u>		<u>\$21,852 63</u>

*Disbursements and Income, for six months, from April 1st,
to September 30th, 1850.*

DR.		CR.
To Cash paid—		By amount of income in—
For Provisions, . . . \$6,350 79		Stone Department, . \$16,733 20
Hospital Department, . 143 94		Labor Department, . 10,804 83
Clothing “ . 2,074 93		Visitors' Fees, . . 1,147 50
Expense “ . 2,119 10		Rents, 146 00
Officers' Salaries, . . 8,943 78		
Prisoners on Discharge, 177 50		
Transporting Prisoners, . 147 58		
Repairs of Real Estate, 749 67		
Night Watch in Prison Yard, 274 50		
Enlargement of Cabinet Shop, 2,063 19		
Expenses attending the erection of New Pris- on, 317 46		
Interest Account, . . 46 25		
	<u>\$23,408 69</u>	
To this amount, being the income over the dis- bursements of the pris- on, for six months, end- ing Sept. 30, 1850, . 5,422 84		
	<u>\$28,831 53</u>	<u>\$28,831 53</u>

There are a few demands against the prison which are unpaid, the same not being yet due; they are chiefly for supplies for the stone department, amounting in all to \$2,476 29, which, by being deducted from the above balance, will leave \$2,946 55 as the net amount of earnings over the expenses of the prison, for the past six months. All which is submitted by

HENRY K. FROTHINGHAM, *Warden.*

*Mass. State Prison, Charlestown, }
September 30, 1850. }*

To His Excellency, GEORGE N. BRIGGS, Governor, and the Honorable, the Executive Council, of the Commonwealth of Massachusetts.

The Chaplain of the State prison asks leave to present the following brief report for the year ending September 30, 1850. He regrets that he has nothing of special interest to communicate, growing out of his appropriate department of labor; still, he is happy to say that, for the most part, a very commendable attention and apparent interest have been manifested, on the part of the prisoners, in the various religious duties and instructions, both of the Sabbath, and our morning and evening seasons of devotion. He has also been gratified with the results of his almost daily interviews with the prisoners in private. In almost all instances, advice and counsel, plainly, yet affectionately given, have been received with a docile and kindly spirit; and it is confidently believed, that the results, in most instances, have been salutary on their minds and hearts, and leading them to a more cheerful and habitual submission to the necessary and salutary rules and discipline of the prison.

In connection with these brief remarks, the undersigned would not disguise the fact, that during the past year, he has met with much to dishearten and discourage him in his desire and efforts to do good, among those for whose benefit he labors.

This has arisen, almost wholly, from the very great increase in the number of prisoners received, and the consequent crowded state of our night rooms. About one third of the whole number have, of necessity, been confined at night, and at their meals, in the cells of the old prison, with from two to seven in a cell, according to their size and capacity for lodging-rooms. To expect that silence and salutary discipline can be maintained in such circumstances, or that a wholesome moral influence can be successfully exerted, would be to set aside, as useless, the whole mass of facts derived from the experience of the past; to close our eyes to the well known connection between causes and their legitimate effects, and to discard the plainest dictates of reason.

We would not presume to limit the power of the Almighty ; but to hope that depraved men, thus congregated, and having, during many hours of the day and night, a free and almost unrestrained intercourse with each other, can be reformed and made better, is to hope against hope ; and yet, through the unceasing and untiring vigilance of the warden and deputy warden, seconded by the faithful coöperation of the officers of subordinate grades, a discipline has been steadily maintained, which, in circumstances so untoward, could hardly have been anticipated.

But it is cheering to look forward to a period, not, as we fondly trust, far distant in the future, when the clouds which now hang over us shall be dissipated, and a new and brighter era dawn upon us. We are anxiously looking forward to the completion of the additional prison buildings which are now being erected, when there will be a sufficient number of cells for the separate confinement of all the inmates of the prison. We may then rationally hope for results, both in discipline and morals, far different from those which can be anticipated in circumstances by which we have been harassed and crippled during the past year, and which exist at the present time.

It may be proper further to remark, that during the same period, much unavoidable embarrassment and inconvenience have been experienced from the fact, that our chapel or place of worship has proved altogether too small for the accommodation of our greatly increased number of convicts. After crowding, to their utmost extent, all the seats which can be placed in the chapel, it has been found necessary *to stow away*, and without any convenient seating, a large number in the barber's shop, contiguous to the chapel, in the rear of the desk, and where they are altogether concealed from the eye of the speaker. But even in this unpleasant predicament, the prospect, that in the course of another season the large, airy and well lighted chapel, which is now being built, will be ready for occupancy as a place of worship, gives cheering hope of a brighter day in the future.

During the past year, from October 1st to the 1st of June following, our Sabbath school was conducted as in former years, being instructed by about thirty teachers from the various churches in Boston and Charlestown. On the 1st of October of

the present year, the time when it is customary to commence the school, it was found to be wholly impracticable, owing to the greatly augmented number of the prisoners, and the lack of room to accommodate those who were desirous to become members, to organize and conduct the school in the customary manner. Accordingly, on consulting the warden on the subject, it was judged expedient, in existing circumstances, to organize the school by bringing into it the more ignorant and unlearned of the convicts, who either could not read, or could read but poorly, who might wish to avail themselves of the advantages thus afforded them, for mental improvement. An interesting school was thus gathered, consisting of between sixty and seventy prisoners. This number is divided into about twenty classes, instructed by a corresponding number of our most intelligent and trustworthy convicts, under the immediate supervision of the warden or deputy warden, the chaplain, and one of the subordinate officers. The school is making commendable progress, and promises to be productive of great good to those who enjoy its advantages. In addition to the scholars above referred to, we have an interesting class, of about fifteen convicts, who have been *seamen*, all of whom can read, instructed every Sabbath, during school hours, in the barber's shop, by Rev. Mr. Sullivan, missionary to seamen in Boston, and who, in former years, was a sea captain. In the true spirit of Christian benevolence, he tendered his services to teach a class of *sailors*, and we were most happy to avail ourselves of his kind offer. His class are much interested in his instructions; and it is not too much to believe, that they will prove highly salutary to those who receive them.

Our school is constantly increasing in number, from the ranks of those, who, from week to week, become the inmates of the prison from without. The school, we think, promises to be useful, both to the scholars, and to those who are their instructors.

Whenever our spacious new chapel shall be completed, so that all who may wish to become members of the school can be furnished with seats, the school will be organized and conducted as it has been in former years. Necessity, and that alone, has led to the course above referred to; and it is believed it will meet the approbation of all who are fully aware of our

present situation. We have spoken thus at length on this subject, from the fact, that some persons, doubtless from misapprehension of our motives, have complained of our want of interest in the spiritual wants of the inmates of the institution. Time will show.

The undersigned feels it to be unnecessary to protract, farther, this Report, by touching on other topics, as the Reports of the honorable board of inspectors, and those of the warden and physician, will, doubtless, embrace everything necessary to a correct understanding of the various affairs and interests of the institution. But he cannot close without expressing his sense of the debt of gratitude due from all connected with the prison, to Him, who has, during the past year, so mercifully watched over it, and conducted us, in safety, through its changes and trials.

To the warden, deputy warden, and all in subordinate stations among the officers of the prison, he feels under the strongest obligations for their uniform kindness, and the facilities and help they have afforded him in the discharge of his official duties. All which is respectfully submitted.

JARED CURTIS,

Chaplain of the Mass State Prison.

Mass. State Prison, Dec. 1850.

To His Excellency, GEORGE N. BRIGGS, Governor of the Commonwealth of Massachusetts, and the Honorable Council.

The undersigned respectfully reports upon the state of the physician's department, and the health of the convicts during the past year, as follows :

The amount of sickness which has occurred, estimated by the hospital records, and such data as can be expressed numerically, has not varied much from the average of the past five years. There have been admitted into the hospital as patients, one hundred and thirty-eight. The aggregate amount of days spent there by these patients has been nineteen hundred and twenty; of which, it should be stated a large amount is referable to the cases of five or six very feeble prisoners, who spend a large proportion of their time there. Besides these instances of more serious illness, there have been admitted as invalids for a day, five hundred and two; and as many more days of light labor have been allowed at my suggestion.

Compared with the five past years, the number of cases of sickness, thus made the subject of medical prescription, have been—Admissions to the hospital,

In 1849-50	.	138
1848-9	.	139
1847-8	.	90
1846-7	.	102
1845-6	.	58

Number of days spent in hospital, and lost to labor :

1849-50	.	1,920
1848-9	.	1,162
1847-8	.	875
1846-7	.	913
1845-6	.	883

Number of days lost to labor by those invalided for the day :

1849-50	.	502
1848-9	.	677
1847-8	.	573
1846-7	.	682
1845-6	.	644

Of course, the physician's duties are not merely limited to prescriptions for the sick, but extend also to giving advice to those who have premonitory symptoms (real or fancied) of illness, and who, by the liberal latitude of the regulations applying to his department, are permitted to make known their complaints. These applicants are not classed under the above heads of patients, or invalids, but may properly be alluded to in this connection, as forming a part of the subjects of medical treatment within the institution. I find the number of such applications to amount to an average of twenty-three daily.

Of the kind of diseases which have prevailed, I am not aware of anything peculiar in their character, as differing from those which have occurred in the community at large. Diarrhœa has always been somewhat more noticeable here in the summer months, than without the prison walls, but has yielded readily to remedies, and change of diet. Cases of consumption and pulmonary diseases have been of more frequent occurrence than on some previous years, and these have required a longer detention in the hospital than any other maladies.

The mortality of the prison has been considerably larger this year, than the average for the five past years. Six deaths have occurred, in a total of 570 different prisoners during the year, and among a general average of 411 in confinement at all times. From January, 1845, to the commencement of the present year, the whole number of deaths had only been seven.

The names and diseases of the deceased the past year, are as follows:

John Montgomery, a Scotchman by birth, of the age of forty-three, who died of strangulation of the bowels, occasioned by a wound he received when a boy, by being struck with a pointed file. The instrument punctured the coats of the abdomen, and left an opening on the inner side, which had never closed up; through this aperture, the intestine made its way, and produced the strangulation referred to. Owing to his fleshy habit, there was no external evidence of it, though I suspected the existence of some such disturbing cause. He made no mention of the old difficulty, till all hope of relief by an operation had gone by. Probably a seasonable performance of a surgical operation would have saved his life.

Peter Delancy, an Irishman, died in October, of consumption,

aged sixty-six years. He had been in prison about two years, for larceny. He came here with a severe cough upon him, and was always allowed some easy occupation.

John T'wiggs, Irish, died in November, aged nineteen years, of consumption. He had about four months to remain in prison. He came here in imperfect health.

Charles Drew, a native of Maine, died also of consumption, aged twenty-three years. He had four months longer to stay. I am unable to say in what condition of health he entered the prison.

William Knowlton, a native of Worcester county, died in June, of the present year, aged twenty-three years; also of consumption. He had been sentenced here for life, for murder, his sentence having been commuted from death, by the Executive. He did not survive his imprisonment here but four months, being so seriously ill when he came as never to be able to labor, or leave the hospital, but for a few days.

William H. Merrow, also died of consumption, at the age of twenty-seven. He was a native of Maine. He had been here but six months upon a sentence of ten years; but was a man of feeble constitution.

Several circumstances affecting the health of the prisoners, and connected with the results which are above reported, deserve special notice.

In the first place, the over crowded condition of every part of the prison during the past year, which the contemplated addition to the present buildings is designed to relieve, has operated to the disadvantage of the physical well-being of the convicts. The number of prisoners has been so much greater than the number of cells, that six, and even seven, have occupied a single cell, throughout the old prison; and in the hospital, every bed has been assigned to some convict, till it was required for the sick. As the remedy for these evils is being applied as rapidly as practicable, I think it unnecessary to make any further allusion to them, than to say that I regard it as extremely fortunate that we have thus far escaped any epidemic.

Besides the serious injury to ventilation, of having the workshops and cells so greatly crowded as they have been at all times the past year, the warden has felt it necessary, in consequence of this great increase of numbers, and the disordered state of the

prison premises, to cut off a class of sedentary operatives from an allowance of exercise in the open air, which they have for a few years past enjoyed to their great advantage. I refer to a privilege which the tailors, shoemakers, and other laborers engaged in confining employments, have had extended them, of walking in the yard fifteen or twenty minutes, at some time during the day. This has been discontinued, in consequence of the danger of escapes, and the difficulty of preventing improper communication between the convicts.

Another matter operating to the disadvantage of the health of the convicts during the past year, but which I hope is now in the process of removal, has been the mode of inflicting the punishment of solitary confinement upon refractory convicts. In my last annual report, I took the liberty of calling attention to this subject, and described the mode in which these cells are occupied, for punishment; and remarked, that with the present construction of the cells, now used for this purpose, it needed no physician's opinion to settle the question of its injurious effect upon the health of those subjected to it. As the additions to the buildings, now contemplated, are intended to furnish a sufficient number of cells, and of suitable dimensions, for the separate confinement at all times of such refractory convicts, I trust the occasions of resorting to such confinement as is now inflicted for this purpose, will be infrequent.

During the past year, three convicts have been removed to the State Lunatic Hospital, by a vote of the commissioners of lunacy. One of them became insane while at the prison, the other two came here laboring under the disease. It is worthy of remark, that no case previous to these has required the decision of the board since May, 1848.

Respectfully submitted,

JONA. W. BEMIS,

Physician of the Massachusetts State Prison.

Charlestown, December, 1850.

